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[Document I.]

BY THE HOUSE OF DELEGATES,

FEBRUARY 6, 1870.

Read, referred and ordered to be printed.

By order,

MILTON Y. KIDD,

Chief Clerk.

REPORT

OF THE

COMMISSIONERS

IN THE MATTER OF

OYSTER POLICE.

ANNAPOLIS:

WILLIAM THOMPSON OF R., STATE PRINTER.

1870.

REPORT.

To the Honorable,

the General Assembly of Maryland:

The undersigned, Commissioners of the State Oyster Police Force, respectfully recommend to the favorable consideration of the Legislature the petition of Messrs. William F. Shaw & Co., for compensation for services rendered the State in connection with the construction of a steam vessel for the State Oyster Police Force.

By Act of 1868, chapter 406, this Board was organized with certain duties and powers, among which (sections 38, 47) was the providing and arming a steam vessel and tenders to cruise in the Chesapeake and its tributaries for the enforcement of the law relating to the taking of oysters. The whole amount of money placed at the disposal of this Commission, for the construction, arming and equipment of such vessel, was thirty thousand dollars.

After consulting with competent judges, the Board agreed upon a plan of an iron vessel deemed suitable for the said purposes, and applied to the proprietors of the various works in the State for proposals for the building of the same, but the estimates of such builders were so much higher than the amount placed by law at the disposal of the Board for the object, that they felt obliged either to go beyond the State to procure a suitable vessel, or try to effect the object of the law with a boat entirely unsuited to the work contemplated. The latter course would hamper the officers of the force and possibly defeat the object of the Legislature by making the law

practically inoperative. The former would be a disgrace to the State by the confession of an inability to construct a vessel at home, and would cause to be spent among strangers the money which all citizens of Maryland would desire rather to expend in encouragement of our own mechanics and industry.

At this juncture, Messrs. Shaw & Co, who had lately commenced business as iron ship builders, undertook the work at the lowest possible estimate of actual costs, and with the specifications given, and under favorable circumstances, might have possibly been able to complete the work without loss. But as the work progressed, changes in detail were deemed necessary frequently after the work was actually in position in the vessel, besides which the difficulty of procuring proper mechanics and material suited to a vessel of this character, caused unavoidable delay and expense in the completion and delivery of the steamer.

It thus became necessary to expend six thousand dollars in the hire of a vessel for the use of the force, which amount the Board having no other funds at its disposal, and under a strict construction of the contract with Shaw & Co., felt compelled to withhold from the price agreed to be paid for the vessel.

Upon the completion of the steamer, the contractors preferred claims for the extra work and materials provided as hereinbefore mentioned, and a number of the mechanics and material-men, learning there was no probability of compensation, threatened to institute proceedings at law for the satisfaction of their claims—some even going so far as to file lien claims against her.

But the Board having pressing need of the vessel, finally induced the contractors and other claimants to forego such proceedings and surrender the vessel to the State, trusting to the General Assembly for an appropriation sufficient to pay their respective claims.

The undersigned, therefore, respectfully recommend that the General Assembly, inasmuch as the State has received the boat, should make a fair and just provision for those whose labor and materials are now in its service; and while

the claimants may technically have no remedy against the State as a sovereign, we suggest that the State as a sovereign should be just, and not refuse a claim morally correct on slight and technical grounds.

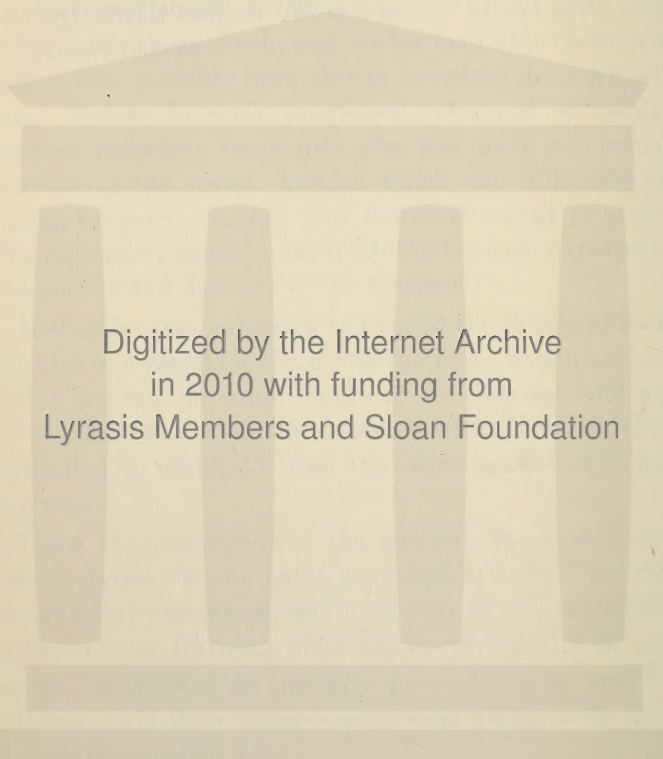
ODEN BOWIE,

R. FOWLER,

WM. J. LEONARD,

W. S. McPHERSON.

Commissioners



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